

### **REMARKS**

The present Amendment is in response to the Examiner's non-final Office Action mailed August 9, 2004. Claims 8 and 16 are amended. Claims 1-20 are now pending in view of the above amendments.

Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

Please note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and the cited references. In addition, Applicants request that the Examiner carefully review any references discussed below to ensure that Applicants understanding and discussion of the references, if any, is consistent with the Examiner's understanding.

#### **I. Drawings**

The Examiner states that "[t]he drawings filed on 03/19/04 have been declared informal...." Applicants are not aware of any drawings that were filed on 03/19/04. The drawings applicable to this application are those filed on the filing date of October 17, 2003. The drawings filed with this application are believed to be formal drawings. If the Examiner disagrees with this assessment, applicants respectfully request that the Examiner point out specific informalities that are not in compliance the requirements for patent drawings.

#### **II. Obviousness Type Double Patenting Rejection**

In the Office Action, the Examiner rejects claims 1-17 under the judicially created doctrine of obviousness-type double patenting in view of Application Serial No. 10/688,375. Applicants submit herewith a terminal disclaimer relative to Application Serial No. 10/688,375 in order to overcome this rejection. Withdrawal of this rejection and allowance of the pending claims is respectfully requested in view of the terminal disclaimer.

**III. Allowable Subject Matter**

The Examiner's statement that claims 18-20 are allowable is appreciated.

The Applicant's submit the following comments concerning the Examiner's statements of reasons for the indication of allowable subject matter in the Office Action. Applicant agrees with the Examiner that the claimed invention of claims 18-20 is patentable over the prior art, but respectfully disagrees with the Examiners statement of reasons for allowance as set forth in Office Action. Applicant submits that it is the claim as a whole, rather than any particular limitation, that makes each of the claims allowable. No single limitation should be construed as the reason for allowance of a claim because it is each of the elements of the claim that makes it allowable. Therefore, Applicant's do not concede that the reasons for allowable subject matter given by the Examiner are the only reasons that make, or would make, the claims allowable and do not make any admission or concession concerning the Examiner's statement in the Office Action.

**CONCLUSION**

In view of the foregoing, Applicants believe the claims as amended are in allowable form. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorney.

Dated this 9<sup>th</sup> day of February, 2005.

Respectfully submitted,



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